THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15021 of 2007

Date:16-07-2007

Between:

Dolai Ranjit Kumar

.. PETITIONER

AND

The Govt. of A.P. rep. By its Additional Secretary, S.W.D.,Hyderabad and another

...

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in rejecting the stay petition of the petitioner in Memo No.3099/CV.2/2007-1, dated 18.05.2007, as illegal and arbitrary.

It is the case of the petitioner that he belongs to 'Paiko' community, which comes under scheduled tribe, and accordingly community certificate was also issued in his favour in the year 1997 by the Revenue Divisional Officer, Parvathipuram. It is stated that when the petitioner obtained a seat in engineering college under scheduled tribe quota and the certificate produced by him was got enquired into and he was denied admission and questioning the said action of the respondents, he has filed W.P.No.20958 of 2001 on the file of this Court and this Court directed the respondents to permit him to pursue his studies which will depends upon the result of the enquiry of the District Collector. It is stated that the District Collector finally got the matter enquired into and based on the district level scrutiny committee recommendations stating that the petitioner's sur-name is 'Dolai' and the 'Dolai' community does not belong to 'Paiko' scheduled tribe community and accordingly, the scheduled tribe caste certificate issued in the year 1997 was cancelled by order, dated 31.03.1997.

Aggrieved by the said order and notification canceling the caste certificate of the petitioner, the petitioner filed an appeal before the Government and the first respondent by

Memo No.3099/CV.2/2007-1, dated 18.05.2007 rejected the stay application and the appeal has been taken on file for disposal in accordance with law. The petitioner questions the said order.

As there is no immediate threat of taking away the degree

certificate of the petitioner or that the petitioner is studying any further studies, I am of the opinion that it cannot be just and proper to consider the merits of the case and to grant stay of the operation of the said order pending disposal of the appeal. Any opinion expressed by this Court may hamper the interest of the petitioner.

Therefore, without expressing any opinion, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal itself in accordance with law after giving reasonable opportunity to the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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V.ESWARAIAH, J.

Date:16.07.2007
CCM